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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 USA,

9 Plaintiff,

10 v.

11 MICHAEL RICHARD LYNCH  
12 STEPHEN KEITH CHAMBERLAIN,13 Defendants.  
14Case No. [18-cr-00577-CRB-1](#)**ORDER DENYING VARIOUS  
MOTIONS AS MOOT**

15 After a 12-week criminal trial, a jury found Defendants Michael Richard Lynch and  
16 Stephen Keith Chamberlain not guilty on all counts. See Jury Verdict (dkt. 562). The  
17 Court now rules on various outstanding motions, denying each as moot.

**I. HP'S MOTION TO QUASH**

18 During the trial, the Court ruled that Christopher Yelland could not testify about the  
19 ASL Restatement because the Government did not designate him as an expert, and—as  
20 became clear by the Government's offer of proof (dkt. 425)—any attempt to give meaning  
21 to the Restatement would necessarily implicate accounting expertise. The Government  
22 therefore did not call him as a witness in its case-in-chief.

23 Lynch's Rule 17 subpoena, which HP moved to quash, was premised on a need for  
24 documents related to the Restatement to use in the cross-examination of Christopher  
25 Yelland. See Mot. to Quash (dkt. 391); Subpoena (dkt. 391-1). Because Christopher  
26 Yelland did not testify, Lynch's subpoena did not need to be enforced. HP's motion to  
27 quash is therefore DENIED as moot.  
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**II. MOTION TO EXCLUDE EXPERT TESTIMONY**

The government moved to exclude the testimony of defense expert John Levitske. See Mot. (dkt. 453). Because the Defendants did not call John Levitske as a witness, the Court never ruled on the government's motion. The Court now DENIES the motion as moot.

**III. RULE 29 MOTION**

Defendant Chamberlain filed a Motion for Judgment of Acquittal Under Rule 29. See Rule 29 Mot. (dkt. 523).<sup>1</sup> In light of the jury's not guilty verdict, the Court DENIES Chamberlain's Rule 29 motion as moot.

**IV. COUNT 17 MOTIONS**

After the verdict, the government moved for leave to dismiss Count 17 of the superseding indictment. See Notice of Dismissal (dkt. 574); see also Superseding Indictment (dkt. 21). The Court thereafter granted leave. See Order (dkt. 575). Accordingly, the Defendants' motions to dismiss Count 17 are DENIED as moot. See Mot. to Dismiss Count 17 (dkt. 219); Joinder (dkt. 222).

**IT IS SO ORDERED.**

Dated: June 17, 2024



CHARLES R. BREYER  
United States District Judge

<sup>1</sup> This filing corrected Chamberlain's earlier-filed Rule 29 motion. See Dkt. 522.